

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>LARRY MARTIN,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 05-cv-0408-MJR</b>
	)	
<b>ROGER WALKER, JR., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**MEMORANDUM and ORDER**

**REAGAN, District Judge:**

In September of 2004, Larry Martin, an inmate at Pinckneyville Correctional Center in Pinckneyville, Illinois, filed suit in the United States District Court for the Northern District of Illinois pursuant to **42 U.S.C. § 1983**. Martin's suit was transferred to this Court on June 8, 2005.

On July 18, 2005, Defendant Kenneth Briley moved for summary judgment (Doc. 25). On October 18, 2005, Magistrate Judge Philip M. Frazier submitted a Report (Doc. 36) recommending that the undersigned District Judge *grant in part and deny in part* Briley's motion for summary judgment.

On October 18, 2005, that Report was sent to the parties with a "NOTICE" informing them of their right to appeal by way of filing "objections" within ten days of *service* of the Report. To date, no objections have been filed by the parties, and the period in which such objections may be filed has expired. Therefore, pursuant to **28 U.S.C. § 636(b)**, this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court **ADOPTS in its entirety** Magistrate Judge Frazier's Report (Doc. 36) and

**GRANTS** in part and **DENIES** in part Briley's motion for summary judgment (Doc. 25). The official capacity claim asserted in Count II of Martin's complaint is hereby **DISMISSED**.

**IT IS SO ORDERED.**

**DATED this 18<sup>th</sup> day of November, 2005.**

s/ Michael J. Reagan  
**MICHAEL J. REAGAN**  
**United States District Judge**